APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,725	07/12/2001	Danny Marvin Neal	AUS920010488US1	9319

			EXAMINER
35525	7590	01/27/2006	JEAN GILLES, JUDE

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/903,725	NEAL ET AL.
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 October 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6 and 8-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *5,6,8-12,14-16,23 and 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 10/26/2005.

WITHDRAWN REJECTIONS

1.   The grounds of rejection presented of the Final Office Action dated 07/01/2005,

and reiterates in the Advisory Action (PTOL-303) on 10/26/2005 are not presented for

review on appeal because they have been withdrawn by the examiner. The rejection of

Claims The claims on appeal 1-3, 5-6, and 8-24 under 35 U.S.C. paragraph 103(a) as

being obvious under US Patents No. 6,744,765 B1 by Dearth et al., U.S. Patent No.

6,240,457 B1 by Bell et al., and U.S. Patent No. 6,247,060 B1, have been withdrawn.

Response to Arguments

2.   Appellant's arguments in the Appeal Brief filed on 11/03/2005 with respect to

claims 1-3, 5-6, and 8-24 have been carefully considered, and are deemed persuasive

with respect to the prior art of record cited above. However, Appellant's arguments are

deemed moot in view of the following new grounds of rejection as explained here below.

Claim objections

3.   **Claims 5 and 6** depend on **claim 4**, which is a cancelled claim. The Office

cannot proceed with the examination of claims 5 and 6, based on the fact that both

claims depend on an adapter host previously claimed in claim 4. Appropriate correction

is required.

Allowable Subject Matter

4.   **Claims 8-12, 14-16, and 23-24** are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-3, 13, 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Best et al (Best) U.S. Patent No. 6,118,796 in view of Shah U.S. patent 6,950,885

B2.

Regarding **claim 1:** Best discloses the invention substantially as claimed. Best

teaches a method, operable in a data processing system having a plurality of processes

connection, for performing a communication connection (*fig. 1*), comprising the steps of:

sending a communication management request from a first process within the

plurality of processes via a communication establishment message to an adapter

associated with a second process within said plurality of processes, wherein a private

data field contains communication attributes for a plurality of communication

connections and unreliable datagram resolutions (*column 9, lines 32-61*);

receiving a reply to said communication establishment request (*column 9, lines 32-67; column 10, lines 1-38*); however, Best does not teach in details responsive to the second process allowing said communication management request, initiating, under control of said adapter, multiple communication connections and unreliable datagram resolutions.

In the same field of endeavor, Shah discloses"... Most communication between InfiniBand.TM. service providers (service class managers) and clients is done using Unreliable Datagram (UD) queue pairs (QPs). For such queue pairs (QPs), no reliability guarantees are provided and service request or response messages can get lost in the IBA subnet 400. In this situation, when a UD client does not receive a response for a service request within a certain amount of time, the client simply resubmits the service request to the service provider ..." [see Shah; column 7, lines 62-67].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Shah's teachings of a method and apparatus for multiple communication connections and unreliable datagram resolutions with the teachings of Beat for the purpose of providing automatic ISDN switch detection, automatic service profile identification configuration, ... and automatic data compression as stated by Best in lines 22-28 of column 4. By this rationale **claim 1** is rejected.

Regarding **claim 2:** the combination Best-Shah teaches the method as recited in claim 1, wherein said first process is an active side of the process [*see Best, column 8, lines 30-64*].

Regarding **claim 3:** the combination Best-Shah teaches the method as recited in claim 1, wherein the second process is a passive side of the process [*see Best, column 8, lines 30-64*].

Regarding **claim 13:** the combination Best-Shah teaches a method, operable in a data processing system having a plurality of processes, for establishing multiple connections ,said method, comprising the steps of:

sending ca connection establishment request from a first process within the plurality of processes via a communication establishment request for multiple connections and unreliable datagram resolutions message to an adapter associated with a second process within the plurality of processes wherein a private data field contains a connection indicator (see Best; *column 9, lines 32-61*);

receiving a reply to said connection establishment request (see Best; *column 9, lines 32-67; column 10, lines 1-38*); and

responsive to said second process approving said request, establishing multiple communication connections between the first process within the plurality of processes and the second process within the plurality of processes [see Shah; column 7, lines 62-67].

Regarding **claim 17:** the combination Best-Shah teaches a system, comprising:

a bus system (*see Best; fig. 1, item 90*);

a communications unit connected to the bus system (*see Best; fig. 1, item 20, 50*);

a memory, including a set of instructions, connected to the bus system (*see Best; fig. 1, item 10*); and

a processing unit connected to the bus system, wherein the processing unit includes at least one processor, wherein the processing unit executes said set of instructions to send a communication management request, via said of instructions to send a communication management request, via said communications unit, from s first process within a plurality of processes to an adapter associated with a second process within said plurality of processes (*column 9, lines 32-61*) and

responsive to the second process within the plurality of processes allowing the communication management request, initiates, under control of the adapter, multiple communication connections and unreliable datagram resolutions [see Shah; column 7, lines 62-67].

Regarding **claim 18:** the combination Best-Shah teaches a system, comprising:

a bus system (*see Best; fig. 1, item 90*);

a communications unit connected to the bus system (*see Best; fig. 1, item 20, 50*);

a memory, including a set of instructions, connected to the bus system (*see Best; fig. 1, item 10*); and

a processing unit connected to the bus system, wherein the processing unit includes at least one processor, wherein the processing unit executes the set of instructions to receive a communication management request, via the communications unit, from a first process within the plurality of processes via a communication establishment request message to an adapter associated with a second process within the plurality of processes, sends a reply communication establishment message, under control of the adapter, to the first process within the plurality of processes, and responsive to the second process within the plurality of processes receiving the reply communication establishment message from the first process within the plurality of processes , establishes multiple communication connections and unreliable datagram resolutions between the first process within the plurality of processes and the second process [see Shah; column 7, lines 62-67; *see also Best; column 10, lines 1-38*].

Regarding **claim 19**: the combination Best-Shah teaches a system, operable in a data processing system having a plurality of processes, for performing a communication connection, comprising:

sending means for sending a multiple connections and unreliable datagram resolutions communication management request from a first process within the plurality of processes via a communication establishment message to an adapter associated with a second process within the plurality of processes (see Best; *column 9, lines 32-61)*;

retrieving means for retrieving the multiple connections and unreliable datagram resolutions communication establishment request, under control of the adapter, via the

communication establishment message from the host (see Best; *column 9, lines 32-67; column 10, lines 1-38*); and

initiating means, responsive to the second process within the plurality of processes allowing the communication management request, for initiating, under control of the adapter, multiple communication connections and unreliable datagram resolutions [see Shah; column 7, lines 62-67; *see also Best; column 10, lines 1-38*].

Regarding **claim 20:** the combination Best-Shah teaches a system, operable in a data processing system having a plurality of processes, for performing a communication connection, comprising:

receiving means for receiving a multiple connections and unreliable datagram resolutions communication management request from a first process within the plurality of processes via a communication establishment request message to an adapter associated with a second process within the plurality of processes (see Best; *column 9, lines 32-61*);

sending means for sending a multiple connections and unreliable datagram resolutions reply communication establishment message, under control of the adapter, to the first process within the plurality of processes (see Best; *column 9, lines 32-67; column 10, lines 1-38*); and

establishing means, responsive to the second process within the plurality of processes receiving the reply communication establishment message from the first process within the plurality of processes, for establishing multiple communication connections and unreliable datagram resolutions between the first process within the

plurality of processes and the second process within the plurality of processes [see Shah; column 7, lines 62-67; *see also Best; column 10, lines 1-38*].

Regarding **claim 21:** the combination Best-Shah teaches a computer program product in a computer-readable medium for performing a communication connection, comprising:

instructions for sending a multiple connections and unreliable datagram resolutions communication management request from a first process within the plurality of processes via a communication establishment message to an adapter associated with a second process within the plurality of processes (see Best; *column 9, lines 32-61*);

instructions for retrieving the multiple connections and unreliable datagram resolutions communication establishment request, under control of the adapter, via the communication establishment message from the host (see Best; *column 9, lines 32-67; column 10, lines 1-38*); and

instructions, responsive to the second process within the plurality of processes allowing the communication management request, for initiating, under control of the adapter, multiple communication connections and unreliable datagram resolutions [see Shah; column 7, lines 62-67; *see also Best; column 10, lines 1-38*].

Regarding **claim 22:** the combination Best-Shah teaches a computer program product in a computer-readable medium for performing a communication connection (column 6, lines 9-14), comprising:

instructions for receiving a multiple connections and unreliable datagram resolutions communication management request from a first process within the plurality of processes via a communication establishment request message to an adapter associated with a second process within the plurality of processes(see Bell; column 3, lines 9-22);

instructions for sending a multiple connections and unreliable datagram resolutions reply communication establishment message, under control of the adapter, to the first process within the plurality of processes (see Bell; column 3, lines 9-22); and

instructions, responsive to the second process within the plurality of processes receiving the reply communication establishment message from the first process within the plurality of processes, for establishing multiple communication connections and unreliable datagram resolutions between the first process within the plurality of processes and the second process within the plurality of processes (*see Dearth; column 6, lines 14-19*).

Conclusion

7.　**THIS ACTION IS MADE NON-FINAL.** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

January 20, 2006

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100